

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 CASTRO ET AL,

7 Defendant.

Case No. 2:17-cr-00103-KJD-PAL

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

9
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Counsels for the defendants need additional time to conduct investigation in this
14 case in order to determine whether there are any pretrial issues that must be litigated and
15 whether the case will ultimately go to trial or will be resolved through negotiations.

16 2. Mr. Castro, Mr. Brodigan and Ms. Commisso are incarcerated and do not object
17 to the continuance.

18 3. The parties agree to the continuance.

19 4. The additional time requested herein is not sought for purposes of delay, but
20 merely to allow counsel for defendant sufficient time within which to be able to effectively and
21 complete investigation of the discovery materials provided.

22 5. Additionally, denial of this request for continuance could result in a miscarriage
23 of justice. The additional time requested by this Stipulation is excusable in computing the time
24 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
25 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
26 Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and including July 12, 2017, to file any and all pretrial motions and notices of defense.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall have to and including July 26, 2017, to file any and all responsive pleadings.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall have to and including August 2, 2017, to file any and all replies to dispositive motions.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the 16th day of August, 2017.

///

///

///

1 IT IS FURTHER ORDERED that the calendar call currently scheduled for
2 May 30, 2017, at the hour of 9:00 a.m., be vacated and continued to Tuesday, August 15, 2017
3 at the hour of 9 : 00 a.m.; and the trial currently scheduled for June 5, 2017, at the hour of
4 9:00 a.m., be vacated and continued to Monday, August 21, 2017 at the hour of
5 9 : 00 a.m.

6 DATED this 26th of May, 2017.

7
8 

9 UNITED STATES DISTRICT JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26